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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i>	Application Number	09/851,593	
	Filing Date	May 8, 2001	
	First Named Inventor	Tian Shen	
	Group Art Unit Number	2633	
	Examiner Name	Dalzid E. Singh	
Total Number of Pages in This Submission	6*	Attorney Docket Number	20852-05135

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REMARKS: Does not include cited reference pages.

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SIGNATURE OF ATTORNEY OR AGENT		
Signature:	<i>Eileen A. Lehmann</i>	
Attorney/Reg. No.:	Eileen A. Lehmann, Reg. No. 39,272	Dated: 11/21/02

CERTIFICATE OF MAILING		
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20852/05135/DOCS/1304973.2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Tian Shen, Robert B. Clarke, Jr., Thomas J. Roman; David B. Upham; David A. Pechner and Laurence J. Newell

APPLICATION NO.: 09/851,593

FILING DATE: May 8, 2001

TITLE: Variable Rate High-Speed Input And Output In Optical Communication Networks

EXAMINER: Dalzid E. Singh

GROUP ART UNIT: 2633

ATTY. DKT. NO.: 20852-05135

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INFORMATION DISCLOSURE STATEMENT

Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449/PTO-8A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;

- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a

foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR

☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.

☒ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. 09/405,367 filed on September 24, 1999, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).

☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).

☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

FOREIGN LANGUAGE PATENT DOCUMENT

The reference FR 2755552 is being cited because it was cited in the PCT International Search Report for International Application No. PCT/US 01/15950, date of mailing October 17, 2002. The U.S. Examiner is referred to the EPO Examiner's remarks about the reference in the search report. A copy of this search report has been included and cited in this Information Disclosure Statement. PCT/US 01/15950 is a PCT application corresponding to U.S. patent application no. 09/851,593, filed on May 8, 2001.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
Tian Shen, Robert B. Clarke, Jr., Thomas J. Roman;
David B. Upham; David A. Pechner and Laurence J.
Newell

Dated: 11/21/02

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20852/05135/DOCS/1311350.1



Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO

Complete if Known

Application No.	09/851,593
Filing Date	May 8, 2001
First Named Inventor	Tian Shen
Art Unit	2633
Examiner Name	Dalzid E. Singh
Attorney Docket Number	5135 US

Sheet	1	of	1
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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ – Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
	A	EP 0982969 A2	03/01/2000	Nortel Networks Corporation	
	B	EP 0822691 A2	02/04/1998	Victor Company of Japan, Limited	
	C	FR 2755552 A1	05/07/1998	Telediffusion FSE	

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ^d
	D	PCT International Search Report for International Application No. PCT/US 01/15950, Date of Mailing October 17, 2002, 6 pages	

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.